

AMENDED IN ASSEMBLY MAY 2, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1667

Introduced by Assembly Member Saldana

February 22, 2005

An act to amend Section 49423.5 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1667, as amended, Saldana. Pupil health: individuals with exceptional needs: specialized physical health care services.

Existing law provides that any individual with exceptional needs who requires specialized physical health care services, as defined, during the regular schoolday, may be assisted by certain specified individuals.

~~This bill would authorize all pupils to receive that assistance, and would impose certain conditions on the individuals authorized to provide these services, instead, require that any individual with exceptional needs and any pupil with a disability, as defined, who requires specialized physical health care services during the regular schoolday at the schoolsite, be assisted by certain school personnel, thereby imposing a state-mandated local program. The bill would also authorize any other pupil who requires specialized physical health care services, during the regular schoolday, to be assisted by those individuals.~~ The bill would expand the definition of “specialized physical health care services” to include the administration of medication, with certain exceptions.

This bill would also make technical, nonsubstantive changes to those provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49423.5 of the Education Code is
2 amended to read:

3 49423.5. (a) ~~Notwithstanding Section 49422, any pupil who~~
4 ~~requires specialized physical health care services, during the~~
5 ~~regular schoolday, may be assisted by any of the following~~
6 ~~individuals:~~

7 ~~(1) Qualified persons who possess an appropriate credential~~
8 ~~issued pursuant to Section 44267, or hold a valid certificate of~~
9 ~~public health nursing issued by the State Department of Health~~
10 ~~Services.~~

11 ~~(2) Qualified individual with exceptional needs, as defined in~~
12 ~~Section 56026, and any pupil with a disability, as defined in~~
13 ~~Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.~~
14 ~~Sec. 794), who requires specialized physical health care services~~
15 ~~during the regular schoolday at the schoolsite, shall be assisted~~
16 ~~by, and any other pupil who requires specialized physical health~~
17 ~~care services during the regular schoolday, may be assisted by,~~
18 ~~the following individuals:~~

19 ~~Qualified designated school personnel trained in the~~
20 ~~administration of specialized physical health care if they perform~~
21 ~~those services under the supervision of a school nurse, public~~
22 ~~health nurse, or licensed physician and surgeon, if ~~all~~ both of the~~
23 ~~following conditions exist:~~

24 ~~(A) The function being assigned does not require a substantial~~
25 ~~amount of scientific knowledge or professional skill in~~

1 ~~accordance with subdivision (b) of Section 2725 of the Business~~
2 ~~and Professions Code.~~

3 ~~(B)~~

4 (1) The function is considered routine for the pupil and does
5 not require an assessment of the condition of the pupil.

6 ~~(C)~~

7 (2) The medical condition of the pupil is stable.

8 (b) Specialized health care or other services that require
9 medically related training shall be provided pursuant to the
10 procedures prescribed by Section 49423.

11 (c) Persons providing specialized physical health care services
12 shall also demonstrate competence in basic cardiopulmonary
13 resuscitation and shall be knowledgeable of the emergency
14 medical resources available in the community in which the
15 services are performed.

16 (d) “Specialized physical health care services,” as used in this
17 section, include catheterization, administration of medication,
18 gastric tube feeding, suctioning, or other services that require
19 medically related training. ~~Administration—Unless administered~~
20 ~~by an appropriately licensed individual, administration of~~
21 medication does not include medication that requires an
22 assessment of the condition of the pupil and dosage adjustment
23 prior to administration, or parenteral medication.

24 (e) Regulations necessary to implement this section shall be
25 developed jointly by the State Department of Education and the
26 State Department of Health Services, and adopted by the State
27 Board of Education.

28 *SEC. 2. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*